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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 ROYLENE RAY, *et al.*, No. C-06-1807 JSW (EMC)
9 Plaintiffs,
10 v. **ORDER GRANTING DEFENDANT'S MOTION FOR PROTECTIVE ORDER**
11 BLUEHIPPO FUNDING, LLC, *et al.*, (Docket No. 244)
12 Defendants.

ORDER GRANTING DEFENDANT'S MOTION FOR PROTECTIVE ORDER

(Docket No. 244)

15 The parties have submitted a joint letter regarding a discovery dispute over eleven third-party
16 subpoenas issued by Plaintiffs. *See* Joint Letter, Ex. B (subpoenas). Having reviewed the joint letter
17 and accompanying submissions, the Court hereby **GRANTS** BlueHippo's request for a protective
18 order.

19 The Court does not agree with BlueHippo that the December 3 Agreement, *see* Joint Letter,
20 Ex. A (joint request), clearly bars all further pre-certification discovery. Although the Agreement
21 broadly states that it “will eliminate the need for any further pre-certification discovery by
22 Plaintiffs,” Joint Letter, Ex. A (Exhibit A), the specific discovery that is discussed in the Agreement
23 is discovery that Plaintiffs propounded on BlueHippo, and not any third parties. In short, the terms
24 of the December 3 Agreement are ambiguous.

25 The Court, however, need not resolve the ambiguity in the Agreement because there is an
26 independent basis for granting BlueHippo's motion. The Court has reviewed the subpoenas and
27 finds them grossly overbroad. The subpoenas do not include any timeframe at all. Furthermore, as
28 written, many of the subpoenas cover documents that the Court has already informed Plaintiffs are

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1 irrelevant (*e.g.*, documents about non-California customers). The Court is troubled by what appears
2 to be Plaintiffs' failure to make any attempt to draft narrowly tailored subpoenas, particularly in
3 light of the guidance that the Court has provided in the past. Because of that failure, the Court
4 deems it fair to quash the subpoenas in their entirety. Plaintiffs are not barred from redrafting and
5 issuing subpoenas; however, they are forewarned that the subpoenas should be narrowly tailored.
6 Moreover, given that BlueHippo appears to have provided much of what Plaintiffs seek, Plaintiffs
7 must also demonstrate that the discovery sought from third parties is not duplicative and that its
8 benefit outweighs its burden. Plaintiffs are forewarned that they shall be sanctioned should they
9 issue subpoenas that are not reasonably tailored.

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IT IS SO ORDERED.

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Dated: January 20, 2009

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EDWARD M. CHEN
United States Magistrate Judge

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